

No. 10773

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United States  
Circuit Court of Appeals

For the Ninth Circuit.

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FRANK LAURENT,

Appellant,

VS.

UNITED STATES OF AMERICA,

Appellee.

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Transcript of Record

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Upon Appeal from the District Court of the United States  
for the Northern District of California,  
Southern Division

FILED

OCT 10 1944

PAUL P. O'BRIEN,  
CLERK



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Circuit Court of Appeals  
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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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## NAMES AND ADDRESSES OF ATTORNEYS

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Northern District of California.

Post Office Building,  
San Francisco, California.

Attorneys for Plaintiff and Appellee.

In the Southern Division of the United States District Court for the Northern District of California

(28385-S)

INDICTMENT

(Title 18 U.S.C.A. 88)

In the November 1943 term of said Division of said District Court, the Grand Jurors thereof, upon their oaths present: That

RUSSELL S. YOUMANS,  
PERCY NEWFORD,  
ARTHUR GRENIER,  
ALBERT NORWITT,  
FRANK LAURENT,  
CHARLES E. CORSIGLIA, and  
BERNARD R. KERNS,

whose full and true names, and the full and true name of each of whom, except as herein mentioned, are otherwise unknown to this Grand Jury, (hereinafter called "said defendants"), at a time and place to the Grand Jurors unknown, did knowingly, wilfully, unlawfully and feloniously conspire, combine, confederate and agree together, and with divers other persons to the Grand Jurors unknown, unlawfully and feloniously to commit offenses against the United States of America, to-wit, violations of the Second War Powers Act, Title 50 U.S.C.A. Section 633, and rationing regulations prescribed and made in pursuance of the authority granted in said Second War Powers Act pertaining

to a rationed commodity, [\*1] to-wit, gasoline, and to defraud the United States of America, in the exercise and control of its lawful governmental powers and functions, by impairing, obstructing and defeating the due and proper administration of the Second War Powers Act, and ration regulations made in pursuance of the authority granted in said Act, and the rules and regulations prescribed in reference thereto for the enforcement of the provisions of said Act, in the manner following, to-wit:

(a) By the said defendants and each of them unlawfully and wilfully acquiring, using, permitting the use of, possessing and controlling counterfeited and forged ration documents, to-wit, counterfeited and forged C-2 gasoline mileage ration coupons, under circumstances which would be in violation of Section 2.6 of General Ration Order No. 8 if the said counterfeited and forged ration documents were genuine, that is to say, the said defendants, or any of them, were not then and there or at any time, persons, or the agent or agents of persons, to whom said C-2 gasoline mileage ration coupons were issued, or by whom said C-2 gasoline mileage ration coupons were acquired in accordance with the provisions of Ration Order No. 5 (c), as the said defendants then and there well know.

(b) By the said defendants, and each of them, unlawfully and wilfully transferring and assigning counterfeited and forged ration documents, to-wit,

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\*Page numbering appearing at foot of page of original certified Transcript of Record.

counterfeited and forged C-2 gasoline mileage ration coupons, under circumstances which would be in violation of Section 2-6 of General Ration Order No. 8 if the said counterfeited and forged ration coupons were genuine, that is to say, the said defendants were not then and there, or at any time, persons, nor the agent or agents of any persons, to whom said ration documents were issued, or by whom said ration [2] documents were acquired in accordance with the provisions of a ration order, nor were said defendants, or any of them, then and there, or at any time, persons authorized to so transfer or assign said ration documents in accordance with the provisions of a ration order, to-wit, Gasoline Mileage Ration Order No. 5 (c), or any other ration order, as the said defendants then and there well knew.

(c) By the said defendants and each of them, with the intent and for the purpose of defrauding the United States in the exercise and control of its lawful governmental powers and functions, impairing, obstructing, frustrating and defeating the due and proper administration of the Second War Powers Act, and the ration regulations promulgated and issued thereunder pertaining to a rationed commodity, to-wit, gasoline, by unlawfully acquiring, using, permitting the use of, transferring, possessing and controlling counterfeited and forged ration documents, to-wit: counterfeited and forged C-2 gasoline ration coupons, under circumstances which would be in violation of Section 2.6 of General Ration Order No. 8 if the said counterfeited and



forged ration documents were genuine, that is to say, said defendants, or any of them, were not at any time persons or the agent or agents of persons to whom such ration documents were issued or by whom the same were acquired from a War Price and Rationing Board of the Office of Price Administration, a department and agency of the United States, in accordance with Ration Order 5 (c) or any other ration order, nor did said defendants, or any of them, transfer said ration documents in accordance with the provisions of Ration Order No. 5 (c) or any other ration order; and by unlawfully acquiring, using, permitting the use of, transferring, possessing and controlling counterfeited and forged ration [3] documents, to-wit, counterfeit and forged C-2 gasoline mileage coupons, with the intent and for the purpose of unlawfully obtaining for themselves and each of them, and with the intent and for the purpose of enabling other persons to the Grand Jurors unknown to unlawfully obtain a rationed commodity, to-wit, gasoline, to which said defendants, or any of them, or any of said persons, were not at any time herein mentioned entitled, by the use and transfer of said counterfeited and forged documents.

(d) By the said defendants, and each of them, obtaining and attempting to obtain for themselves, and each of them, and for other persons to the Grand Jurors unknown, a rationed commodity, to-wit, gasoline, without presenting the prescribed ration coupons therefor; that during the existence

of said conspiracy and in furtherance thereof, and to effect its objects, in the said Division and District, and within the jurisdiction of this Court, one or more of said defendants, as hereinafter mentioned by name, did the following overt acts, to-wit:

1. That on or about the 10th day of February, 1944, in the City and County of San Francisco, State of California, the said defendant Percy Newford transferred to the said defendant Arthur Grenier, 6 sheets, each sheet containing 64 counterfeited and forged C-2 gasoline mileage ration coupons.

2. That on or about the 9th day of February, 1944, in the City and County of San Francisco, State of California, the said defendant Arthur Grenier met and held a conversation with one Angelo Guisti.

3. That on or about the 9th day of February, 1944, in the City and County of San Francisco, State of California, the said defendant Arthur Grenier met and held a conversation with one Dominic Rossi. [4]

4. That on or about the 16th day of February, 1944, in the City and County of San Francisco, State of California, the said defendant Percy Newford transferred to one Angelo Guisti, 16 sheets, each sheet containing 64 counterfeited and forged C-2 gasoline mileage ration coupons.

5. That on or about the 16th day of February, 1944, in the City and County of San Francisco, State of California, the said defendant Russell S. Youmans transferred to the said defendant Albert



Norwitt, 25 sheets, each sheet containing 64 counterfeited and forged C-2 gasoline mileage ration coupons.

6. That on or about the 16th day of February, 1944, in the City and County of San Francisco, State of California, the said defendant Russell S. Youmans transferred to the said defendant Percy Newford, 30 sheets, each sheet containing 64 counterfeited and forged C-2 gasoline mileage ration coupons.

7. That on or about the 6th day of February, 1944, in the City and County of San Francisco, State of California, the said defendant Russell S. Youmans transferred to the said defendant Charles E. Corsiglia, 9 sheets, each sheet containing 64 counterfeited and forged C-2 gasoline mileage ration coupons.

8. That on or about the 6th day of February, 1944, in the City and County of San Francisco, State of California, the said defendant Charles E. Corsiglia transferred to the said defendant Bernard R. Kerns, 9 sheets, each sheet containing 64 counterfeited and forged C-2 gasoline mileage ration coupons.

9. That on or about the 11th day of February, 1944, in the City and County of San Francisco, State of California, [5] the said defendant Percy Newford transferred to the said defendant Frank Laurent, 40 sheets, each sheet containing 64 counterfeited and forged C-2 gasoline mileage ration coupons.

10. That on or about the 16th day of February, 1944, in the City and County of San Francisco, State of California, the said defendant Russell S. Youmans, at his residence at 915 Pacific Avenue, San Francisco, California, had in his possession, 1258 sheets, each sheet containing 64 counterfeited and forged C-2 gasoline mileage ration coupons.

FRANK J. HENNESSY

United States Attorney.

(Approved as to Form: R. B. McM.)

[Endorsed]: A true bill, Ernest L. West, Foreman. Presented in Open Court and Ordered Filed Mar. 1, 1944. C. W. Calbreath, Clerk. By J. P. Welsh, Deputy Clerk. [6]

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District Court of the United States  
Northern District of California  
Southern Division

At a Stated Term of the Southern Division of the United States District Court for the Northern District of California, held at the Court Room thereof, in the City and County of San Francisco, on Saturday, the 11th day of March, in the year of our Lord one thousand nine hundred and forty-four.

Present: the Honorable A. F. St. Sure, District  
Judge

[Title of Cause.]

No. 28385

## PLEA OF NOT GUILTY

This case came on regularly this day for arraignment. The defendants were present in proper person and with their respective attorneys, viz: Fred McDonald, Esq., for defendant Russell S. Youmans; Nathan C. Coghlan, Esq., for defendant Percy Newford; Joseph L. Sweeney, Esq., and Harmon D. Skillin, Esq., for defendant Arthur Grenier; Sol A. Abrams, Esq., for defendant Albert Norwitt; Walter Duane, Esq., for defendant Frank Laurent; James B. O'Connor, Esq., for defendant Charles E. Corsiglia; Edward O'Day, Esq., for defendant Bernard R. Kerns. Valentine C. Hammack, Esq., Assistant United States Attorney, was present on behalf of the United States.

On motion of Mr. Hammack, the defendants were called for arraignment. All defendants were informed of the return of the Indictment by the United States Grand Jury, and asked if they were the persons named therein, and upon their answer that they were, and that their true names were as charged, said defendants were informed of the charges against them and stated that they understood the same. Attorneys for defendant waived the reading of the Indictment.

The defendants were called to plead and thereupon each of the above-mentioned defendants asked

for continuance to March 18, 1944, to plead, except defendant Frank Laurent who pleaded "Not Guilty" to the Indictment, and which said pleas was ordered entered. [7]

After hearing the attorneys, it is ordered that this case as to the defendant Frank Laurent be continued to March 18, 1944 to be set for trial; and as to all others to March 18, 1944 to plead. [8]

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In the Southern Division of the United States  
District Court for the Northern District of  
California

No. 28385-S

THE UNITED STATES OF AMERICA

vs.

RUSSELL S. YOUMANS, PERCY NEWFORD,  
ARTHUR GRENIER, ALBERT NORWITT,  
FRANK LAURENT, CHARLES E. COR-  
SIGLIA, and BERNARD R. KERNS.

VERDICT

We, the Jury, find Frank Laurent, the defendant  
at the bar, Guilty.

L. G. FEYEN

Foreman.

[Endorsed]: Filed at 3 o'clock and 59 Min.  
P.M., May 3, 1944. C. W. Calbreath, Clerk. By  
Edward A. Mirchell, Deputy Clerk. [9]

[Title of Court and Cause.]

MOTION FOR A NEW TRIAL

Now Comes the defendant, Frank Laurent, in the above entitled action and moves this Honorable Court for an order vacating the verdict of the jury convicting him and granting him a new trial on the indictment herein, for the following and each of the following causes, materially affecting the constitutional rights of said defendant:

1. That the verdict is contrary to the evidence adduced at the trial herein;

2. That the verdict is not supported by the evidence in the cause;

3. That the evidence adduced at the trial is insufficient to justify said verdict;

4. That the verdict is contrary to law;

5. That the trial court erred in admitting evidence in the course of the trial, which was incompetent, irrelevant and immaterial, which errors were duly and regularly excepted to by the defendant;

6. That the trial court erred in refusing to direct a verdict of not guilty at the close of the evidence of the United States;

7. That the trial court erred in refusing to strike out certain testimony which was incompetent, irrelevant, immaterial and hearsay;

8. That the trial court erred in refusing to direct a verdict of not guilty at the close of all of the evidence;



9. That the trial court erred in admitting evidence in the course of the trial where no proper foundation had been laid. [10]

This motion is made upon the minutes of the court and upon all records and proceedings in said action and upon all of the testimony and evidence introduced at the trial.

Dated: May 4th, 1944.

WALTER H. DUANE

Attorney for Defendant

[Endorsed]: Filed May 4, 1944. [11]

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[Title of Court and Cause.]

### MOTON IN ARREST OF JUDGMENT

Now Comes, Frank Laurent, the defendant in the above entitled action, against whom a verdict of guilty was rendered on the 3rd day of May, 1944, in the above entitled cause and moves the Court to arrest the judgment against him and hold for naught the verdict of guilty rendered against him.

1. That the indictment does not state facts sufficient to constitute a public offense under the laws of the United States;

2. That the evidence is not sufficient to support the verdict.

3. That the verdict of the jury is contrary to law.

Wherefore because of which said errors in the record herein, no lawful judgment may be rendered by the Court and the defendant prays that this mo-

tion be sustained and the judgment of conviction against him be arrested and held for naught, and that said defendant have all such other orders as may seem meet and just in the premises.

Dated: May 4, 1944.

WALTER H. DUANE

Attorney for Defendant

[Endorsed]: Filed May 4, 1944. [12]

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District Court of the United States, Northern District of California, Southern Division

At a Stated Term of the Southern Division of the United States District Court for the Northern District of California, held at the Court Room thereof, in the City and County of San Francisco, on Thursday, the 4th day of May, in the year of our Lord one thousand nine hundred and forty-four.

Present: The Honorable A. F. St. Sure, District Judge.

[Title of Cause.]

No. 28385

ORDER DENYING MOTION IN ARREST OF  
JUDGMENT AND MOTION FOR NEW  
TRIAL—JUDGMENT AND SENTENCE

This case came on regularly this day for the pronouncing of judgment. The defendant was present in the custody of the United States Marshal and with his attorney, Walter Duane, Esq. Valentine C.

Hammack, Esq., Assistant United States Attorney, was present on behalf of the United States.

The defendant was called for judgment. Mr. Duane made a motion in arrest of judgment, which said motion was ordered denied. Mr. Duane then made a motion for new trial, which said motion was likewise ordered denied. After hearing the attorneys and Officer Frank Brush, who was sworn and testified on behalf of the United States; and the said defendant having been now asked whether he has anything to say why judgment should not be pronounced against him, and no sufficient cause to the contrary being shown or appearing to the Court, It Is By the Court

Ordered and Adjudged that the defendant, Frank Laurent, [13] for the offense of which he stands convicted on the verdict of the jury of guilty as to the Indictment herein, be and he is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for the period of two (2) Years and pay a fine to the United States of America in the sum of Five Thousand (\$5,000.00) Dollars.

Ordered that judgment be entered herein accordingly.

It Is Further Ordered that the Clerk of this Court deliver a certified copy of the judgment and commitment to the United States Marshal or other qualified officer and that the same shall serve as the commitment herein.

The Court recommends commitment to a U. S. Penitentiary. [14]



District Court of the United States, Northern  
District of California, Southern Division

UNITED STATES

v.

FRANK LAURENT

No. 28385-S Criminal Indictment in one count for violation Title 18 U. S. C. A. 88—Conspiracy to violate Second War Powers Act and rationing regulations.

JUDGMENT AND COMMITMENT

On this 4th day of May, 1944, came the United States Attorney and the defendant Frank Laurent appearing in proper person, and by counsel, and, The defendant having been convicted on verdict of guilty of the offense charged in the Indictment in the above-entitled cause, to wit: Violation of Title 18 U.S.C.A. 88. Defendant did, at a time and place unknown, unlawfully conspire to violate the Second War Powers Act, Title 50 U.S.C.A., Section 633, and certain rationing regulations made in pursuance thereof, and in furtherance of said conspiracy said defendant did certain overt acts to accomplish said conspiracy at San Francisco, California—(Possessing and transferring counterfeited and forged Gasoline Mileage Ration Coupons), and the defendant having been now asked whether he has anything to say why judgment should not be pronounced against him, and no sufficient cause to the contrary being shown or appearing to the Court, It is by the Court Ordered and Adjudged that the defendant, having

been found guilty of said offenses, is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for the period of two (2) Years, and pay a fine to the United States of America in the sum of Five Thousand (5,000.00) Dollars.

It Is Further Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the same shall serve as the commitment herein.

Examined by:

V. C. Hammack,

Assistant U. S. Attorney

(Signed) A. F. ST. SURE

United States District Judge.

The Court recommends commitment to a U. S. Penitentiary.

Filed and Entered this 4th day of May, 1944.

(Signed) C. W. CALBREATH

Clerk.

By EDWARD A. MITCHELL

Deputy Clerk

Entered and Filed in Vol. 34 Judg. and Decrees  
at Page 361. [15]

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[Title of District Court and Cause.]

#### NOTICE OF APPEAL

Name and Address of Appellant: Frank Laurent, 740 Post Street, San Francisco, California.

Name and Address of Appellant's Attorney:  
Walter H. Duane, Esq., 790 Mills Building, 220  
Montgomery Street, San Francisco, 4, California.

Offense: Conspiracy to violate the Second War  
Powers Act, Title 50 U.S.C.A. Section 633, as fol-  
lows:

That the defendant, with others, in the City and  
County of San Francisco, State of California, with-  
in said Division and District, conspired, confeder-  
ated and agreed with other persons unlawfully to  
acquire, use, permit the use of, possess and control  
counterfeited and forged ration documents, to-wit:  
counterfeited and forged C-2 gasoline mileage ra-  
tion coupons, and in pursuance of said conspiracy  
and to accomplish the purpose there- [16] of on  
the 11th day of February, 1944, in the City and  
County of San Francisco, State of California, one  
Percy Newford, a co-defendant in said action, trans-  
ferred to the said defendant 40 sheets, each sheet  
containing 64 counterfeited and forged C-2 gaso-  
line mileage ration coupons.

Date of Judgment: May 3, 1944.

Description of Judgment and Sentence: "Guilty"  
as charged in said indictment, as above set forth;  
two years imprisonment in a Federal Penitentiary  
to be designated by the Attorney General of the  
United States and a fine of Five Thousand Dollars  
(\$5,000.00).

Name of Prison Where Now Confined: County  
Jail of the City and County of San Francisco.

I, the above named appellant, hereby appeal to  
the United States Circuit Court of Appeal of the

Ninth Circuit, from the judgment above mentioned, on the grounds set forth below:

### GROUND OF APPEAL

#### 1.

That the learned Trial Judge committed errors in law arising during the course of the trial, and erred in the decision of questions of law arising during the course of the trial.

#### 2.

That the evidence produced and received upon the trial of said cause was insufficient as a matter of law to justify the verdict of the jury.

#### 3.

That the learned Trial Judge erred in denying the motion made by counsel for defendant for a directed verdict of "Not Guilty" at the conclusion of the case of the prosecution, for the reason that taking said evidence in said case is not sufficient as a matter of law to support a verdict of "Guilty". [17]

#### 4.

That the Trial Court erred in not instructing the jury to return a verdict of "Not Guilty" in favor of appellant.

Dated: May 4, 1944.

FRANK LAURENT

Appellant

WALTER H. DUANE

Attorney for Appellant

(Acknowledgment of Receipt of Copy.)

[Endorsed]: Filed May 4, 1944. [18]

District Court of the United States, Northern  
District of California, Southern Division

At a Stated Term of the Southern Division of the United States District Court for the Northern District of California, held at the Court Room thereof, in the City and County of San Francisco, on Saturday, the 13th day of May, in the year of our Lord, one thousand nine hundred and forty-four.

No. 28385

[Title of Cause.]

Present: the Honorable A. F. St. Sure, District Judge.

INSTRUCTIONS, RE APPEAL; ETC.

This case came on regularly this day for instructions re appeal. Due consideration having been thereon had, the Court ordered that the defendant have thirty (30) days to file his proposed Bill of Exceptions, that the United States have fifteen (15) days to file proposed Amendments, thereto, and that the defendant have ten (10) days thereafter within which to settle said Bill of Exceptions. Ordered that this case be set for July 17, 1944 for settling the Bill of Exceptions. [19]

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[Title of District Court and Cause.]

ASSIGNMENT OF ERRORS

Now comes Frank Laurent, appellant in the above entitled action, in connection with his notice



filed with the Clerk of the above entitled court stating that he appeals to the United States Circuit Court of Appeals, for the Ninth Circuit, from the judgment and sentence entered in the above entitled cause against him, and he having duly given notice of appeal, as provided by law, now makes and files the following Assignment of Errors herein, upon which he will rely for a reversal of the judgment and sentence upon appeal and which errors and each of them are to the great detriment, injury and prejudice of said defendant and in violation of the rights conferred upon him by law; and said defendant says that in the reported proceedings of the above entitled cause upon the hearing and determination thereof, in the Southern Division of the United States District Court for the Northern District of [20] California, there is manifest error in this, to-wit:

### I.

That the District Court erred in admitting the following testimony over the objection of defendant:

Following this meeting with Youmans, I met the defendant Frank Laurent, who I recognize in the courtroom and whom I have known for a number of years. I had a conversation with him at our office at 1355 Market Street in the forenoon of February 23, 1944. At this meeting Mr. Worthington, Chief Criminal Investigator for our office was present.

“Q. At this time and place, what was the conversation you had with Mr. Laurent, please?

“Mr. Duane: I object to that on the ground it is incompetent, irrelevant, and immaterial, and the proper foundation has not been laid and the corpus delicti has not been established.

“The Court: Overruled.

“Mr. Duane: Exception.”

## II.

That the District Court erred in admitting the following testimony over the objection of defendant:

“Mr. Hammack: At this time I will offer in evidence Government’s Exhibit No. 1 for Identification and ask that it be marked Government’s Exhibit next in order in evidence.

“The Court: Admitted.

“Mr. Hammack: 1258 sheets of counterfeit coupons.

“Mr. Duane: For the record, we will object on the ground it is incompetent, irrelevant, and immaterial, and not binding on the defendant on trial.

“The Court: Overruled.

“U. S. Exhibit 1 For Identification was thereupon admitted in evidence.

“Mr. Duane: Exception.” [21]

## III.

That the District Court erred in denying the motion of the defendant for an advised verdict of not guilty, the grounds of said motion being:

First: There has been no proof of any conspiracy here;

Second: Nothing has been offered to establish a conspiracy;

Third: And on the admission by the Government that the defendant had no knowledge that the coupons involved were counterfeited or forged.

“The Court: I suggest you submit it now and I will deny your motion, but you will have an opportunity to present it later to the Court.

“Mr. Duane: Very well, your Honor.

“The Court: The motion will be denied.”

To the denial of which motion for an advised verdict the defendant duly excepted.

#### IV.

That the District Court erred in refusing to grant a motion to strike, as follows:

“Mr. Duane: At this time, if the Court please, I want to move to strike out the testimony of the witness Brush that has to do with his transactions or his activities as respects the man Youmans, on the ground that it is incompetent, irrelevant, and immaterial. It is hearsay and not binding on the defendant in this case.”

To the denial of said motion the defendant duly excepted.

#### V.

That the District Court erred in denying the motion of defendant for a directed verdict at the conclusion of the testimony in behalf of the United States. The grounds of said motion were: [22]

“Mr. Duane: First, that no conspiracy has been established. Second, that the indictment charges



or attempts to charge an offense which in fact is no offense and no violation against the law of the United States. And, third, any transaction between Newford and Laurent would not be an overt act in furtherance of an alleged conspiracy.”

To the denial of said motion for a directed verdict, the defendant duly excepted.

## VI.

That the District Court erred in denying the defendant’s motion for a new trial, to the denial of said motion for a new trial the defendant duly excepted, and which motion is fully set forth in the Bill of Exceptions herein.

## VII.

That the District Court erred in denying the defendant’s motion in arrest of judgment, to the denial of said motion in arrest of judgment the defendant duly excepted, and which motion is fully set forth in the Bill of Exceptions herein.

Wherefore, because of the manifest errors committed by the Court, the defendant prays that said judgment and conviction and sentence be reversed, and for such other and proper relief as to the Court may seem meet and proper.

Dated: San Francisco, California, June 15th, 1944.

WALTER H. DUANE

Attorney for Defendant and  
Appellant

Receipt of a copy of the foregoing Assignment of Errors is hereby admitted this 16th day of June, 1944.

FRANK J. HENNESSY,  
United States Attorney  
By F. SOLOMON

[Endorsed]: Filed Jun. 16, 1944. [23]

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[Title of Court and Cause.]

PRAECIPE ON APPEAL

To the Clerk of the above entitled Court:

The appellant herein respectfully requests the inclusion of the following as part of the record on appeal herein:

1. The indictment.
2. Plea of defendant.
3. Verdict.
4. Judgment and sentence.
5. Motion for a new trial.
6. Motion in arrest of judgment.
7. Order denying new trial.
8. Order denying motion in arrest of judgment.
9. Order extending time re: bill of exceptions.
10. Notice of appeal.
11. Bill of exceptions.
12. The assignment of errors.
13. Stipulation re: bill of exceptions.
14. Order settling, allowing and authenticating bill of exceptions.

Dated: July 12th, 1944.

WALTER H. DUANE

Attorney for Appellant.

[Endorsed]: Filed Jul. 12, 1944. [24]

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[Title of District Court and Cause.]

BILL OF EXCEPTIONS

Be It Remembered that heretofore the Grand Jury of the United States in and for the Southern Division of the Northern District of California, did present and return in and before the above entitled Court its indictment against Russell S. Youmans, Percy Newford, Arthur Grenier, Albert Norwitt, Frank Laurent, Charles E. Corsiglia and Bernard R. Kerns; that said defendants upon being plead to said indictment entered a plea of guilty; that said defendant Frank Laurent, answering to his true name Frank Laurent pleaded not guilty to said indictment and the cause being at issue the same came on regularly for trial on the 2nd day of May, 1944, before the Honorable A. F. St. Sure, United States District Judge, and a jury was duly impaneled to try the cause, the United States being represented by Valentine C. Hammack, Esq., Assistant United States Attorney, and the defendant, Frank Laurent, [25] being represented by Walter H. Duane, Esq., the following proceedings were then had.

Thereupon the United States, to maintain the issues on its part to be maintained, called as its first witness Frank Brush.

## TESTIMONY OF FRANK BRUSH FOR THE UNITED STATES

Frank Brush, produced as a witness on behalf of the United States, having been first duly sworn, testified substantially as follows:

I am an investigator for the Office of Price Administration and was so employed during February 1944. I know the defendant in this case, Russell Youmans. With two police inspectors I met Mr. Youmans at his home, 915 Pacific Avenue, San Francisco, at approximately 7:30 P. M. on February 16. After a conversation with Youmans, Mr. Youmans turned over to me a suitcase containing 1258 sheets of C-2 counterfeit coupons, and also \$10,472. I recognize these as the coupons delivered to me by Mr. Youmans and consist of 1258 sheets of 64 C-2 coupons to the sheet.

“Mr. Hammack: At this time I offer these coupons for identification and ask that they be marked Government’s first exhibit in order for identification.”

Thereupon the coupons were marked “U. S. Exhibit 1 For Identification”.

At this time he turned over to me \$10,482.00, all in currency.

“Mr. Hammack: At this time I offer in evidence for identification the \$10,482.”

Thereupon the currency was marked “U. S. Exhibit 2 For Identification”.

Following this meeting with Youmans, I met the defendant Frank Laurent, who I recognize in the

(Testimony of Frank Brush.)

courtroom and whom I have known for a number of years. I had a conversation with him at our [26] office at 1355 Market Street in the forenoon of February 23, 1944. At this meeting Mr. Worthington, Chief Criminal Investigator for our office was present.

“Q. At this time and place, what was the conversation you had with Mr. Laurent, please?

“Mr. Duane: I object to that on the ground it is incompetent, irrelevant, and immaterial, and the proper foundation has not been laid and the corpus delicti has not been established.

“The Court: Overruled.

“Mr. Duane: Exception.”

(Exception No. 1).

I told Laurent I had in my possession bingo sheets turned in by his station with his name on them and asked him how he had acquired them and he said he had acquired them in the normal course of business and that he had exchanged five gallons of gasoline for each C-a ration coupon that appeared on the sheets. He stated that the license numbers appearing on the coupons were put there by the customers and that he had not put them there and that he had delivered gasoline for every license number appearing on the sheets. I told him that 325 of the 387 - C-2 ration coupons appearing on the bingo sheets were counterfeits. I further informed him that he could not have taken the counterfeit coupons if he had checked the license number with the



(Testimony of Frank Brush.)

coupon, as the sheets did not have identification on the top and showed him that the counterfeit coupon would not fluoresce under our lamp and the genuine coupons would. He said he did not know anything about it and I told him I was going to call on the people whose license numbers appeared on the coupons and he told me to do as I pleased.

These five bingo sheets shown me were handed in by the service station to the distributor for replacement of gasoline in his stock. The name appearing on these bingo sheets is Frank Laurent, 750 Post Street, San Francisco. At that time I showed [27] Mr. Laurent the first group and subsequently two other sheets came in, after I talked to him. Mr. Laurent admitted the bingo sheets were his and he stated he delivered gasoline to every person thereon. I have checked the coupons and identified the counterfeit ones from the genuine ones. I examined all the coupons on the bingo sheets and there are 387 coupons thereon, of which 325 are counterfeit. Mr. Laurent stated he had obtained gasoline from the distributor in exchange for those.

“Q. Did you make any marks to separate them?

A. Yes, sir. The ones marked ‘X’ on the face of the coupon are genuine. The balance are counterfeits.

“Mr. Duane: I am going to object to this testimony on the ground the proper foundation has not been laid. This witness has not qualified to testify to the genuineness of these stamps, or those that are fictitious.

(Testimony of Frank Brush.)

“The Court: Overruled. You will have an opportunity to go into that matter later.

“Mr. Duane: Exception.”

(Exception No. 2)

“The Court: If the Government fails to produce the proper evidence to support the charge, you may move to strike it out.”

“Mr. Hammack: Q. Now, Mr. Brush, will you state whether or not appearing on those bingo sheets or on those coupons there appears the license number 48-E-603?

A. Yes, sir; 48-E-603.

“Q. How many coupons are there with the license number 48-E-603? A. Four.

“Q. Did you examine those to determine whether or not they were counterfeit or genuine?

“Mr. Duane: I am going to object to that on the ground it is incompetent, irrelevant, and immaterial, calling for the conclusion and opinion of the witness, and no foundation for it.

“The Court: Overruled. [28]

“Mr. Duane: Exception.”

(Exception No. 3.)

“A. I examined the four coupons in question by placing them under the fluorescent lamp supplied by the Secret Service, which will detect Government safety paper as against non-issue Government paper. In other words, the counterfeit coupon will not fluoresce. That is, the water marks

(Testimony of Frank Brush.)

put in by the Government printing establishment will not come out. On the counterfeit coupon, the coupon is absolutely lifeless. On these four coupons in question I examined them and the coupons were found to be counterfeit and not on Government safety paper."

"Mr. Duane: I move to strike that out on the ground there is no foundation laid for it. The witness is not qualified to testify to the matter just stated.

"The Court: Denied.

"Mr. Duane: Exception."

(Exception No. 4.)

I have a license number 22-H-810 on two coupons and those coupons are counterfeit. I have a license number 01-G-627 on two coupons and they are both counterfeit. I have a license number 24-B-575 on three coupons on this bingo sheet and they are counterfeit. There are three coupons with the license number 02-G-699 and they are counterfeit. There is a license number 70-A-319 on one coupon and that coupon is counterfeit. License number 32-B-786 is on two coupons and these coupons are counterfeit. I examined two coupons containing license number 99-F-271 as they appeared on that bingo sheet and they were counterfeit. Three counterfeit coupons appear on license number 26-B-996. On the other coupons bearing license numbers I was unable to locate anyone who had such a license number or locate such a license number. They are license numbers which have



(Testimony of Frank Brush.)

been issued by the State of California but I was unable to contact the balance of the [29] license numbers and did not receive a reply to letters sent them. We sent out letters and some letters came back with the notation no such person. Only those I have testified to I was able to locate.

“Mr. Hammack: Q. Would you say there were license numbers issued by the State of California or would you say they were fictitious license numbers.

“Mr. Duane: We will object to that, if the Court please.

“The Court: Overruled.

“Mr. Duane: Exception.”

(Exception No. 5.) [30]

These license numbers which I was unable to contact are fictitious license numbers in that they have not been issued since 1941 or 1942 and they are not now alive.

The license numbers we took off the bingo sheets we sent to the Department of Motor Vehicles in Sacramento and they returned the names and addresses of the parties to whom the license numbers had been issued and we then contacted these people. When we received the names and addresses of the persons whose license numbers appear on those bingo sheets we endeavored to communicate with them by letter and some of the letters were returned. A great number of the license numbers that were returned had still been issued and the last time of issuance would be 1941 or 1942. There was no 1944 issuance, but the license number would be returned

(Testimony of Frank Brush.)

with the last license issued to the name and address of the party. We endeavored to contact these people and in some instances the letter was returned, no such number and the license was dead. In several instances of license numbers returned we found the automobile had been junked but the license number was still active. I am aware that no license numbers have been issued since 1942, but they would still have the plate and they would have this issuing number returned from the Motor Vehicle Department for 1942 or 1943.

On February 16th when I secured the sheets of coupons from Youmans I did not know they were counterfeit. As far as I know none of the people who were working with me knew they were counterfeit at that time.

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### TESTIMONY OF PERCY NEWFORD FOR THE UNITED STATES

Percy Newford, produced as a witness on behalf of the United States, being first duly sworn, testified substantially as follows: [31]

“Mr. Hammack: At this time I offer these sheets of coupons the witness (Brush) identified and testified in connection therewith, and which are marked for identification, in evidence, and ask that they be marked Government’s exhibit next in order.

“The Court: The 1258 sheets?

“Mr. Hammack: No. The 1, 2, 3, 4, 5, 6, 7

(Testimony of Percy Newford.)

sheets, containing a total of 385 coupons, of which 325 are counterfeit.

“The Court: Very well. Admitted.”

Thereupon seven bingo sheets with coupons on were marked “U. S. Exhibit 3 In Evidence.”

### Direct Examination of

### PERCY NEWFORD

I am a longshoreman and I am a defendant in this case, having pleaded guilty to the indictment and am awaiting the judgment of the court. I know the defendants Russell Youmans and Frank Laurent. I met Frank Laurent, whom I recognize in the courtroom, about November or December, 1943. I met him at his garage at 740 Post Street about four o'clock. I had a conversation with Mr. Laurent in which I asked him if he wanted any gas tickets and he said yes he could use a couple and I sold him a couple, 64 coupons in each sheet, for \$20.00 a sheet. I got these coupons from Mr. Youmans. I met Laurent again about nine o'clock at night between the latter part of January and the 10th of February, at a Russian Tea House on Geary Street between Fillmore and Steiner. He came in with some other gentleman. I had a conversation with the defendant in which he stated he needed a lot of gas sheets and he said he would give me \$600.00 for 40 of them. At that time I told him I did not want to have anything to do with them and he said if you don't sell them I can go right down to Pacific Street to the same address you get

(Testimony of Percy Newford.)

them and get all I want. The other fellow that was with him came over and talked to me and I gave him the 40 sheets and he gave me \$600.00, a \$500.00 bill and a \$100 bill. [32]

“Q. Whom did you give the sheets to?

“A. Mr. Laurent.

“Q. Who gave you the \$600?

“A. Mr. Laurent.

“Q. How many sheets did you sell him?

“A. 40 of them.

“Q. 64 to a sheet; is that correct?

“A. Yes, sir.

“Q. The 40 sheets that you sold Mr. Laurent at this time and place, Mr. Newford, from whom had you obtained those 40 sheets?

“A. Mr. Youmans.”

Referring to and examining Government's Exhibit in Evidence 3, these sheets are identical with the coupons sold by me to the defendant Laurent at this time and place. I asked him at this time and place why he came to see me when you have some other people you used to get these coupons from and he said the other people did not have any more and he came to see me as it was too late to see this other party on Pacific Street. Mr. Youmans lives on Pacific Street.

“Q. Was anything said in regard to price?

“A. Yes. I asked him how much he sells them for. I says, ‘How much do you sell them for?’ He says, ‘None less than \$35 a sheet.’ ”



(Testimony of Percy Newford.)

Cross Examination

The first time I met the defendant Laurent was in November or December. I was told there was a man by the name of Frank at a garage on Post Street and he wanted some coupons. He said the price was kind of steep and that if he could get them cheaper he would do some more business. He bought two of them for \$20 a piece. I again saw the defendant in the latter part of January or February in a Russian Tea Room and this meeting was by appointment, but the appointment was made by the other fellow who rang up about twenty minutes before nine and said he was bringing a customer who wanted to buy some coupons. I only knew the other fellow by the name of George. I met George in the card room and when George 'phoned me he said he would bring a customer. When George first came in he said this man did not want to buy as many [33] as he wanted to buy at first; that he just needed 40 and would pay \$15 a piece for each one. I walked away from him as I didn't want to do any business with him. I had coupons on my person because some other fellow was supposed to come in from George. I was not selling tickets generally, just when someone wanted them and I got them from Mr. Youmans. I don't know how many people I sold sheets to from the first of January to the end of February. I don't keep any books or records. George did not introduce me to Laurent. He said 'Hello' to me, because I seen him that once before. The defendant did not

(Testimony of Percy Newford.)

say at this conversation he was getting his coupons from Youmans. He said he was getting them from the same address I got them, on Pacific Street. He did not specify the name [34] Youmans at all.

I have pleaded guilty in this case and am now awaiting sentence. There have been no promises made to me in the matter of leniency or immunity for testifying against Laurent. Anybody would expect to try and expect a little leniency in a predicament like this. The reason I am testifying here is that when I got out of the prison cell I went home and my wife found out what had happened and asked me to make a clean breast of it and I came back and told the truth and that is all I know of it.

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### TESTIMONY OF ERNEST N. HART FOR THE UNITED STATES

Ernest N. Hart, produced as a witness on behalf of the United States, being first duly sworn, testified substantially as follows:

I own a Plymouth four-door sedan and use A coupons and have not had any C coupons and have never bought any gasoline from the Post Street Garage. The number of my license is 01-G-627. No member of my family bought any gasoline for the car during January and February.



(Testimony of Ernest N. Hart.)

Cross Examination

I am the manager of the Rialto Building, New Montgomery and Mission Streets. I live at 1840 Clay Street and seldom use the car in San Francisco. No one else uses the car but myself.

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TESTIMONY OF JOHN E. DUFF  
FOR THE UNITED STATES

John E. Duff, produced as a witness on behalf of the United States, being first duly sworn, testified substantially as follows:

I own a Lincoln sedan, Model 1941 and the license number is 24-B-575. I applied for and received a type A gasoline coupon book. I never had any C-2 coupons and have never purchased gasoline from 740 Post Street, San Francisco, nor did I deliver any C-2 [35] coupons to that place. My wife occasionally drives the car and she never uses a C-2 coupon.

Cross Examination

I live at 14 Shore View Avenue. My place of business is at 160 California Street and I sometimes travel on Post Street on Sunday going to the Olympic Club.

TESTIMONY OF WILLIAM IRVING SMITH  
FOR THE UNITED STATES

William Irving Smith, produced as a witness on behalf of the United States, being first duly sworn, testified substantially as follows:

I live at 502 Twentieth Avenue, own an automobile and the license number is 02-G-699. I have an A coupon. I never delivered three C-2 coupons to the Post Street Garage at 740 Post Street, nor did any member of my family.

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TESTIMONY OF WILLIAM SINGER  
FOR THE UNITED STATES

William Singer, produced as a witness on behalf of the United States, being first duly sworn, testified substantially as follows:

I live at 696 Seventeenth Avenue and own an automobile whose license number is 70-A-319. I have an A coupon and have never purchased any gasoline from the Post Street Garage at 740 Post Street.

Cross Examination

I could not get gas with a C-2 coupon if I had simply an A coupon.

Redirect Examination

I never put my license number on any C-2 coupons.

(Testimony of William Singer.)

Recross Examination

Nobody uses my car except myself. My place of business is at Seventh and Market and I use a Chevrolet pick-up truck during the week, the license number of which I don't know. [36]

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TESTIMONY OF BERNARD A. BEUKERS  
FOR THE UNITED STATES

Bernard A. Beukers, produced as a witness on behalf of the United States, being first duly sworn, testified substantially as follows:

I own a Chrysler sedan, license number 32 B 786. I have never purchased gasoline at 740 Post Street in my life.

Cross Examination

I live at 1417 Henry Street and my place of business is 144 Shattuck Avenue, Berkeley. No one else drives my car but my wife.

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TESTIMONY OF BERT F. BISCOTTO  
FOR THE UNITED STATES

Bert F. Biscotto, produced as a witness on behalf of the United States, being first duly sworn, testified substantially as follows:

I reside at 2928 Franklin Street and own a Chevrolet sedan, license number 99 F 271. I applied for and received a type A coupon book from my Ration

(Testimony of Bert F. Biscotto.)

Board. I never bought any gasoline from the Post Street Garage.

Cross Examination

I work for the Kilpatrick's Bakery at Sixteenth and Folsom Streets. I am the only one that drives my car and never loan it and never travel along Post Street.

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TESTIMONY OF FRANK CUSHERE  
FOR THE UNITED STATES

Frank Cushere, produced as a witness on behalf of the United States, being first duly sworn, testified substantially as follows:

I reside at 1880 Oakdale Avenue, San Francisco, and own a filling station. I own a 1925 Chevrolet automobile, license number 26 B 996. My ration board has issued to me a type A ration book and I have never had C-2 coupons issued to me or never purchased any gasoline at the Post Street Garage, 750 Post Street. [37]

Cross Examination

My filling station is located at 4240 Third, near Gerald and I reside at 1880 Oakdale Avenue. I do not come to this side of town much, just as far as Eleventh and Mission. I have two cars, both sedans. My wife drives the other car.

TESTIMONY OF ELEANOR B. ROSE  
FOR THE UNITED STATES

Eleanor B. Rose, produced as a witness on behalf of the United States, being first duly sworn, testified substantially as follows:

I am supervisor of the gasoline panel of Board 3, 1215 Van Ness Avenue and the Post Street Garage, 740 Post Street, is within the jurisdiction of Board 3. I know Frank Laurent of the Post Street Garage. I examined the file which is a part of the records of Board 3 relating to the Post Street Garage and I find that no C-2 coupons have ever been issued to Frank Laurent.

Cross Examination

The records do not disclose that the defendant ever applied for C-2 coupons.

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TESTIMONY OF JOHN SNOW  
FOR THE UNITED STATES

John Snow, produced as a witness on behalf of the United States, being first duly sworn, testified substantially as follows:

I am a driver for the Shell Oil Company and in the course of my business I deliver gasoline to Frank Laurent of the Post Street Garage. When I deliver gasoline to a garage I receive from the garage owner or from the person at the garage coupons in exchange for the gasoline. The gallonage of the number of stamps must compare with the



(Testimony of John Snow.)

gallorage on the invoices delivered. At the end of the day, or the end of the trip, I turned these coupons and an invoice of the gasoline given to the customer to the cashier at the yard of the Shell Oil plant.

“Q. Referring to Government’s Exhibit in evidence No. 3, Mr. Snow, the same being nine sheets—— [38]

“The Court: Nine?

“Mr. Hammack: Yes, your Honor. I think think there are none there.

Referring to the two sheets dated February 10th, there are 30 coupons on one sheet and 50 on another, which would make 400 gallons. I received stamps for 400 gallons but I could not positively identify the stamps because we have no marks on the stamps. The summary I have shows eighty 5 gallon coupons, or 400 gallons and it is more than likely that these are the coupons I received in exchange for the gasoline.

“Mr. Hammack: I think perhaps we can stipulate to it, your Honor. Mr. Duane, may it be stipulated that all of the coupons contained in Government’s Exhibit No. 3, the coupons contained on the bingo sheets making up Government’s Exhibit 3, were delivered by Frank Laurent in exchange for gasoline?

“Mr. Duane: I think that is correct. The only question I want to ask, because I don’t know, is it contended that the 50 C-2 that the witness just testified to are all counterfeit stamps?



(Testimony of John Snow.)

“Mr. Hammack: No.

“Mr. Duane: That is all I wanted to know.

“The Court: The 50 C-2 are February 7th.

“Mr. Duane: And they are not counterfeit stamps?

“Mr. Hammack: Some of them are.

“Mr. Duane: I see.

“Mr. Hammack: Then the stipulation will be that it will be stipulated by and between the Government and the defendant that all of the coupons on bingo sheets, being Government's Exhibit No. 3, it is stipulated, were surrendered by the defendant Frank Laurent in exchange for gasoline, the amount of gasoline called for by coupons?

“Mr. Duane: Yes. Of course, it would be my understanding the Government received them from the bank. [39]

“Mr. Hammack: You have my assurance on that.”

### Cross Examination

I don't know the hour of the day I made the delivery of gas on February 10th, because I am in that location in the morning and again not until late in the afternoon. I never make a delivery after six o'clock at night. It is a fact that during the month of February certain garages and gas stations were allotted a certain quantity of gas for the month and they could not get any more than the allotment. When he had used up his allotment I would not deliver any more gas until the time for a new allotment. I cannot tell from the summary sheets whether I made a delivery on the

(Testimony of John Snow.)

10th but I wrote that invoice on the 10th, so I made the delivery on the 10th. My hour of quitting is four o'clock in the afternoon.

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## TESTIMONY OF IDA ADELAÏDE OPPENHEIM FOR THE UNITED STATES

Ida Adelaide Oppenheim, produced as a witness on behalf of the United States, being first duly sworn, testified substantially as follows:

I live at 701 Post Street and during the months of January and February 1944 I parked my car at the Post Street Garage at 740 Post Street. I know the defendant Frank Laurent; he is the owner or operator of the Post Street Garage. I had a conversation with Mr. Laurent in connection with the sale of gasoline coupons in the early part of February or the last part of January 1944, when they put gasoline on an allotment. This conversation took place in the afternoon at the garage when I went to get my car. I spoke to Mr. Laurent and wanted to get some gasoline and he said I am very sorry but I can't give it to you, they just put me on quota. In answer to the question, how am I to get gas, he said, why don't you buy a book for \$11. [40]

### Cross-Examination

I answered that would be awful, because that would be black market. That was all that was said. There was no one present at that conversa-

(Testimony of Ida Adelaide Oppenheim.)  
tion. The defendant did not tell me where I could buy a book and I didn't ask him. I have never had any trouble of any kind. I was storing my car there at that time.

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TESTIMONY OF THOMAS B. FOSTER  
FOR THE UNITED STATES

Thomas B. Foster, produced as a witness on behalf of the United States, being first duly sworn, testified substantially as follows:

For a great many years I have been in charge of the Secret Service district and for the last six years I have been supervising agent of the Fourteenth District Secret Service, comprising California, Nevada, Arizona and the Hawaiian Islands. I have been connected with the United States Secret Service for 43 years.

During the course of my business I have made a study of counterfeit bills and documents.

"Mr. Duane: We will stipulate to the qualifications of the Captain as an expert."

I examined Government's Exhibit No. 1 for Identification, being 1258 sheets of C-2 gasoline coupons and as a result of that examination I would say that they were counterfeit.

"Mr. Duane: In view of the fact that it is conceded that this defendant did not know they were counterfeit, I don't see the necessity for that testimony.

(Testimony of Thomas B. Foster.)

“Mr. Hammack: I think it is very pertinent, your Honor.

“The Court: All right, go ahead, Captain. Mr. Duane admits that Exhibit 1 is composed of counterfeit gasoline coupons.

“Mr. Duane: Yes. If Captain Foster says that, that is enough for me, but also the prosecution concedes that this defendant had no knowledge of that fact.

“Mr. Hammack: That is enough for me. [41]

I have examined Government's Exhibit No. 3 in evidence and some of the coupons are counterfeit and other coupons are genuine. It is my opinion that the counterfeit coupons contained in Government's Exhibit No. 3 in evidence are of the same make as those contained in Government's Exhibit No. 1 for identification; that is the coupons of these bingo sheets are made by the same party as the coupons on the sheet of Government's Exhibit No. 1 for Identification.

“Mr. Hammack: At this time I will offer in evidence Government's Exhibit No. 1 for Identification and ask that it be marked Government's Exhibit next in order in evidence.

“The Court: Admitted.

“Mr. Hammack: 1258 sheets of counterfeit coupons.

“Mr. Duane: For the record, we will object on the ground it is incompetent, irrelevant, and immaterial, and not binding on the defendant on trial.

“The Court: Overruled.

(Testimony of Thomas H. Foster.)

U. S. Exhibit 1 For Identification was thereupon admitted in evidence.

“Mr. Duane: Exception.”

(Exception No. 6.)

### Cross-Examination

If these C-2 coupons were seen by a layman their counterfeit character could not readily be discernible by him and I would put in the class with the layman a person engaged in the handling of those stamps, for instance, an enforcement officer of the OPA. These coupons were sent to both the Secret Service and the OPA in Washington for the purpose of ascertaining whether they were counterfeit or genuine and I was consulted and I pronounced them counterfeit.

The Government rests. [42]

“Mr. Duane: If your Honor please, I would like to make a motion, if the jury may be excused.

“The Court: Very well. Ladies and gentlemen of the jury, remember the admonition heretofore given to you by me. Will you please retire to the jury room for a few minutes.

“Mr. Duane: Now, if the Court please, we at this time interpose a motion for an advised verdict in this case, and we base the motion on three distinct propositions.”

First: There has been no proof of any conspiracy here;

Second: Nothing has been offered to establish a conspiracy;

Third: And on the admission by the Govern-



(Testimony of Thomas H. Foster.)

ment that the defendant had no knowledge that the coupons involved were counterfeited or forged.

“The Court: I suggest you submit it now and I will deny your motion, but you will have an opportunity to present it later to the Court.

“Mr. Duane: Very well, your Honor.

“The Court: The motion will be denied.

“Mr. Duane: And note an exception, your Honor.”

(Exception No. 7.)

Whereupon the following named persons were called as witnesses on behalf of the defendant, being first duly sworn, testified that they had known the defendant for a number of years and his general reputation in the community in which he lives for truth, honesty and integrity was very good, to-wit: Frank P. Kelly, Fire Marshal of the City and County of San Francisco; Kenneth Orville Plough, owner of the Plough Electric Supply Company and foreman of the grand jury of the City and County of San Francisco in 1940; Craig P. Smith, Lieutenant Commander of the United States Naval Reserve; Marvin Edwin Freeman, Assistant Manager, [43] San Francisco Branch, Chanslor & Lyon Company; Mrs. Ione Kendall, secretary in the firm of Cornwall & Banker; William Hans Schwartz, Assistant Chief Draftsman, Bethlehem Steel Company; Florence T. Lombard, owner of the Lombard and Commodore Hotels, San Francisco; Edward Victor Walsh, hotel manager; and Mrs. Thomas Otis, 745 Sloat Boulevard, San Francisco.



## RAYMOND CERF,

a witness on behalf of the defendant.

Raymond Cerf, called as a witness on behalf of the defendant, being first duly sworn, testified substantially as follows:

I have been the attendant at the Post Street Garage since the first of the year and my duties are to sell gas, wash windshields, look out that people put cars away properly, look out for the elevator and answer the telephone, and receive moneys and tickets. I cannot drive cars and work from 7:30 in the morning until closing at midnight. A young lady operates the pumps, other than myself, at meal times. The defendant Frank Laurent does not operate the pumps and I have not seen him serve gas to the customers. When a customer comes in for gas I take the stamps and the cash and the customer writes the license number of the automobile on the stamp. At times I have difficulty, by reason of the lights and time of day, because of the reflection, in determining whether the license number is on the coupon.

Referring to Government's Exhibit No. 3, there are license numbers on them, some on top and some on the bottom. To my knowledge I have never sold any gasoline without receiving a stamp or coupon.

The garage closes at midnight. Mr. Laurent's duties are that of master mechanic, he repairs all cars, purchase and resale of cars and going for parts. Besides myself and Laurent, the other employees are a girl who comes in part time to relieve

(Testimony of Raymond Cerf.)

and park cars in the rush hours, and another young lady to take care of the books. [44]

### Cross-Examination

I have been working for Mr. Laurent since January of this year; I work every day from 7:30 in the morning until midnight and am on duty all the time, except to eat my meals or may go out for an hour or so, if somebody is there, otherwise I don't leave the floor of the garage. I don't sell gasoline every hour; you sell in the early morning and when people are going home from work; you are not at the pumps every minute. I put the coupons for gasoline in the cash register and I don't know who puts them on the bingo sheet. If it is possible I always check the license number of the car against the coupon given but it is not always possible, because you have people in storage and they have to get to work. You take it for granted when a person comes in and gives you a ticket that it is properly licensed. I don't know how many C-2 coupons I take in in a month and I don't know how much gasoline I sell in a day.

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### BERNARD LANDWEER,

a witness on behalf of the defendant. Bernard Landweer, called as a witness on behalf of the defendant, being first duly sworn, testified substantially as follows:

I have been acting as local manager of the Shell

(Testimony of Bernard Landweer.)

Oil Company in San Francisco for the last five months. I am familiar with the account of the Post Street Garage, which is operated and owned by the defendant. Starting on December 1, 1943, there was a system of allotment of gasoline for garages and service stations. The allotment consists of supplying garages or service stations with a certain quantity of gasoline by the month; it is allocated by our head office and each dealer was put on a cut basis and they could probably have sold a lot more gasoline than we could supply them. During the month of December, 1943, the Post Street Garage received from my company around 4100 gallons and in November it [45] was 4700 gallons; January it was around 4000 gallons; February it was around 3900 gallons; March 3900 and April it was down to 3400 gallons. As far as I know, at the present moment there is no gas in the Post Street Garage; it was all used up. Each month Mr. Laurent and other customers would call us and ask for more gasoline as they had sold their quota and we had to tell them there was no more gas. The Post Street Garage is an average volume garage.

#### Cross-Examination

The business of an average garage is servicing and storing cars and they would not use as much gasoline as a service station; the average garage would sell about four or five thousand gallons a month and the average service station eight or nine thousand. Mr. Laurent had the amount of gas based on his deliveries he took during 1943.

## CAMILLE A. LAURENT,

a witness on behalf of the defendant. Camille A. Laurent, called as a witness on behalf of the defendant, being first duly sworn, testified substantially as follows:

I am the sister of the defendant on trial and I work at the garage two nights, on Monday and Wednesday nights, taking care of the books. Generally I don't have anything to do with the gas coupons. If there are a few extra coupons or if Frank is rushed I put them on the sheets. I have on occasion served gas to the customers, when Mr. Cerf goes out for a breath of air. I have required gas coupons on those occasions and have also required that the license number be put on them. I have been doing this for my brother since sometime in November, 1943.

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TESTIMONY OF FRANK LAURENT,  
THE DEFENDANT

Frank Laurent, the defendant, called in his own behalf, having been first duly sworn, testified substantially as follows: [46]

I am the defendant here and am 32 years of age and am the owner and operator of the Post Street Garage, 470 Post Street, and have been since May 1, 1943.

I don't know, nor have I ever met a man by the name of Russell S. Youmans. I have never met a



(Testimony of Camille A. Laurent.)

man by the name of Arthur Grenier, or a man by the name of Albert Norwitt, nor a man by the name of Charles Corsiglia, nor a man by the name of Bernard R. Kerns. I understand that these names are those of the men charged as co-conspirators with me in this indictment. I know a man by the name of Percy Newford. I met him at a gambling joint on Geary and Fillmore Streets sometime the first part of February of this year. I met him under these circumstances: one night about six o'clock I was in the garage and a fellow came in to me whom I didn't know; he asked me if Frank was there and I told him I was Frank; he didn't know me. He told me he had a good deal for me in buying an automobile. He told me that a man up in the grocery store told him I owned the garage and he came to me because he knew a man who owned a car and was interested in selling it. I have since learned that the name of this man is George Allen. When he told me there was a deal in sight I went right over with him in his car to this gambling place on Geary and Fillmore Streets. We knocked on the door and Allen said I want to see Percy and the man said Percy is not here and won't be back until later this evening. Allen came back later to get me and I drove him over in one of my cars, around 11 or 11:30 at night. I met Newford in that place. I had never met him before and never knew him and had never known a name like his; that was the first time I had ever had

(Testimony of Camille A. Laurent.)

anything to do with him. He wanted to know if I wanted to buy some books he was offering at \$22.50 a piece. These were regular coupon books. He had 40 of these books. I told him I was not interested in any books whatsoever, I wouldn't have any use for books. I needed gasoline and not [47] books. He said I will give you an attractive price and you can resell them; finally came down to \$15 for the forty books, or \$600.00. I was not interested in buying or selling the books, so I told him no, but he had the forty books and wanted to sell them. Nothing was said about the purchase of a car.

Referring to Government's Exhibit No. 3, which is nine bingo sheets, there is no question but they are my coupons. They are not all counterfeit coupons, there are some marked off as genuine coupons.

On very rare occasions I serve gas at the pump, but only when Mr. Cerf was engaged in eating or doing something else and no one else was around. I will serve gas but I can't afford the time to spend at the pump. I service cars, repair them, buy and sell cars and sell insurance; that is the bulk of my business. I have to park all the cars during the day because Mr. Cerf does not drive. I have a girl who comes in late in the afternoon and works in the evening parking cars and my sister comes in two nights a week to work on the books. Sometimes I take care of twelve or fifteen repair jobs a day myself. I have about 75 steady storage customers, not counting transients. Although the ga-



(Testimony of Camille A. Laurent.)

rage can hold 135 cars the maximum capacity I will allow is 100 cars. With reference to the sale of gasoline, it is very spotty. During the morning when people go to work they get gas or when they come back from work but during the rest of the day you may not have one customer in three hours. In the morning and evening there is always a lineup at the pumps. Everybody wants gas at the same time. I sell approximately 120 gallons a day. Referring to my allotment of gasoline, this month for instance, I was out the 26th of April; the preceding month I made it last by not serving any casual customers. Lots of times people drive in who have no gasoline and you have to give them some. It is absolutely not necessary for me to give or sell [48] coupons to dispose of my gasoline.

### Cross-Examination

I have about a hundred cars in my garage and I always take care of the gasoline needs of my storage customers first. I don't know how many gallons a day they use up. Referring to Government's Exhibit No. 3, I do not know whether the license numbers on there are the numbers of cars stored permanently in the garage. I am familiar with the automobiles but so far as the license numbers of a car goes I cannot tell you. I keep a record of the license numbers of the steady storage customers by the month and most of my customers have A books; there are a few in the garage with B and C-2 books. Those on Government's Exhibit No. 3 came mostly

(Testimony of Camille A. Laurent.)

from transient business. I don't take care of the gas by the number of coupons I get. I don't know how many customers I get that have C-2 coupons; it does not make any difference to me what kind of coupons they have. I may go some months and have only A coupons; I don't have any control over the kind of coupons they have.

The first time I met Allen was when he came into my garage. He didn't know me and I didn't know him. He found out I was there by asking a man in the grocery store on the corner. He wanted to know if I was interested in buying a car and he wanted to know who Frank was and I said I was and I would be interested in buying an automobile. I didn't ask him what kind of a car it was, as I never ask anybody that; I will buy any kind of a car; I didn't ask him what model it was; I didn't ask him what condition the car was in; cars are in all kinds of condition. I give a commission if I am buying a car to somebody that gives me a tip. I never asked Allen why he came to me, because I never ask that of anybody that tips me off where I can buy a car. I have strangers tell me where I can buy a car and have a big sign in front that says I am in the business of buying and selling automobiles. I told Allen I would take care of him if I bought the [49] car. Automobiles are so scarce that I will travel anywhere to find someone willing to sell an automobile. I expected Allen was to get a commission for selling the car. He didn't ask me for a commission, he asked me if I was interested

(Testimony of Camille A. Laurent.)

in buying a car. I said yes and he said come on over. I met Newford the second time I went to the Russian Tea Room. I didn't say anything to Allen when I found out Newford didn't have an automobile to sell; I just walked out of the place and told him all that fellow wants is to get me to buy some gas books and I am not buying any gas books. Allen said he didn't know what the deal was. I didn't say anything to Newford about buying a car. He came out with the gas books right away. There was no deal to buy a car from Newford at that time. I went over there under a false impression. It is hard to remember exact words; I know he came out with tickets in an envelope to sell them to me, but in buying and selling cars you tell people so many different stories about buying and selling them. I didn't buy a car then as there was no car to sell. It was all predetermined that I was going to buy an automobile. Answering your question as to what I said to Newford when he kept me up until 11:30 at night; I was up every night until midnight because of business; it is part of my business.

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#### TESTIMONY OF GEORGE W. ALLEN,

called as a witness for the defendant. George W. Allen, called as a witness on behalf of the defendant, being first duly sworn, testified substantially as follows:

I know the defendant on trial, Frank Laurent, and

(Testimony of George W. Allen.)

have known him for a period of four or five months. I used to go to a certain Russian Tea Room on Geary Street and a man by the name of Percy said he had a car for sale. I overheard the conversation and I said I knew a fellow who bought cars and he said bring him around. I don't know whether it was the next day or several days [50] later I went to this fellow who owns a grocery store on the corner of Post and Leavenworth and while there I remembered about this incident of the man saying he wanted to sell a car, and he said I don't buy them, but there is a fellow down the street by the name of Frank who buys them. Subsequently I went to see Frank in the garage and that was the first time I met Laurent. I didn't telephone Percy at the Russian Tea Room before Frank and I went there around 8:30 or 9 o'clock, at some date in the latter part of January or first of February. Percy was not there so we came back about 11 or 11:30 and he was present. There is a little hallway there and Mr. Laurent stepped into that hallway and I went into the room and told the fellow that Frank was out there. I told the fellow that the buyer was out there for his car. I said this is the fellow that will buy your car Percy and walked back into the card room. What transactions they had I don't know.

#### Cross-Examination

I live at 346 Leavenworth Street, between Ellis and Eddy, and my occupation is that of bartender. The first time I went to the Russian Tea Room with



(Testimony of George W. Allen.)

Laurent was about 8 or 9 o'clock and I did not go there at 6 or 6:30. I have known Laurent about four or five months, since the latter part of January, 1944. I knew he operated a garage the first time I met him. I did not telephone to Mr. Newford at the Russian Tea Room at about 8:30 or 9 o'clock at night. I didn't tell Newford that I had a man that wanted to buy five or six thousand dollars worth of coupons. I didn't tell Newford this was big business. I didn't buy C-2 coupons from Newford. I should say I do not owe Newford for two sheets of C-2 coupons. Referring to how much I would get for selling the car, Mr. Laurent said he would take care of me and I figured the Gentleman owning the car would do so also. I do not recall the date Mr. Newford said he had a car for sale; it was one night I was out there in the card room of the club. At [51] the present time I am working four nights a week at the 39'er on Mason. Sometimes I work days and others at nights. I don't recall just what date it was that I went out to see Newford at this Russian Tea Room. I cannot place the approximate date, just four or five months ago. Four or five fellows were present around the table. I don't know any of them by name. I knew Mr. Newford would be at the Russian Tea Room the night I brought Laurent there as he said he was there practically all the time. I asked how can I locate you when I get hold of this fellow and he said I am here practically all the time, six or seven



(Testimony of George W. Allen.)

in the afternoon until midnight. I didn't know the Russian Tea Room did not open until 7:30 or 8:00 o'clock at night. I have been out there three or four times, sometimes I went late and sometimes early. I didn't get a commission for the sale of the car from Laurent as there was no transaction. Newford did not give me a commission, because there was no transaction. As to whether or not I asked for a commission from Laurent for the sale of the car, I will tell you that when we left Laurent said, this fellow has no car for sale, he wants to sell me some gas stamps. He said he was not in the market to sell gas stamps. I just laughed it off and Mr. Laurent said he would not get tangled up in a mess like that for all the tea in China. I didn't say anything to Newford about misleading me into thinking he had a car for sale. I didn't go back to talk to Newford again.

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PERCY NEWFORD,

a witness previously sworn, recalled for the United States.

I know Mr. Allen who was just on the stand. I have seen him three times in the last three or four months. He is just a casual acquaintance. I met him at the Russian Tea Room about January, 1944. I am pretty sure it was before February 10, 1944 that Laurent came to meet me at the Russian Tea

(Testimony of Percy Newford.)

Room; Allen brought him. I knew Allen just by the name of George. Allen [52] 'phoned me 20 minutes to 9:00 exactly and asked me if I was going to be there for a while. They came out at ten after nine. I was playing pinoche and *and* Allen said first he was coming out to buy \$5,000 or \$10,000 worth if I would have that many books. When he came out he said he only wanted about 40. He called me from the table to the hallway where Mr. Laurent was. Laurent was the one who suggested about the 40 books. I sold him the 40 books 64 coupons to the book. I have a Studebaker car. I never told Allen or anyone else I was in the market to sell the car. I use the car to haul riders to the different piers. On February 10, 1944 Laurent did not ask me I had a car for sale; he never suggested a car to me at all. I have offered no one my car.

#### Cross-Examination

Concerning when I had this discussion with Laurent about buying \$5,000 or \$10,000 worth of stamps, two or three times George Allen rang up by 'phone. He came out first with a fellow by the name of Walter. They came out to buy a few coupons for themselves, but said they had a deal to \$5,000 or \$10,000 worth.

Mr. Hammaek: Q. Now, when did Allen say to you or when did Laurent say to you, if either one said it, that Laurent would buy \$5,000 or \$10,000 worth of stamps?

A. This gentleman, all the way in from the latter end of January into February.

(Testimony of Percy Newford.)

I recall that I testified yesterday that Laurent wanted to buy stamps and I said I was not interested. I recall that there was a further conversation and that I finally sold him 40 sheets for \$600.00. I didn't say anything yesterday about a conversation for the purpose of buying \$5,000 or \$10,000 worth of coupons. I remembered it yesterday but no one asked me. I did not know it was Mr. Laurent that was going to get the coupons. I know it now. I never knew that gentleman before until I seen him face to face; he said he had big business and brought Mr. Laurent in and I concluded he must be the one. He came in with [53] a fellow by the name of Walter the first time and then came in by himself twice. This fellow Walter come in and asked me about some books. In between the conversation with Walter he gave me \$108 for eight books. That was sometime the end of January. The first time he walked in was the 30th of January. I have been selling those books since January 22nd. I had a few of the other ones from October, 1943, and was selling them from about October 1, 1943.

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FRANK BRUSH;

a witness previously sworn, recalled for the United States.

Referring to Government's Exhibit No. 3 in evidence, there are nine sheets, and 387 coupons and of the 387 there are 325 counterfeit coupons.

(Testimony of Frank Brush.)

“The Court: Do you wish to introduce in evidence the currency, \$10,482?”

“Mr. Hammack: Yes, your Honor, I will introduce that in evidence at this time.

“The Court: Admitted.”

(U. S. Exhibit 2 for Identification was thereupon admitted in evidence.)

“Mr. Duane: At this time, if the Court please, I want to move to strike out the testimony of the witness Brush that has to do with his transactions or his activities as respects the man Youmans, on the ground that it is incompetent, irrelevant, and immaterial. It is hearsay and not binding on the defendant in this case.

“The Court: Denied.

“Mr. Duane: Exception.”

(Exception No. 8.)

“Mr. Duane: If the Court please, I desire at this time to move the Court for a directed verdict in this case, and I am perfectly [54] willing to make the motion in the presence of the jury.

“The Court: Well, just state the grounds of your motion.

“Mr. Duane: First, that no conspiracy has been established. Second, that the indictment charges or attempts to charge an offense which in fact is no offense and no violation against the law of the United States. And, third, any transaction between Newford and Laurent would not be an overt act in furtherance of an alleged conspiracy.

“The Court: Denied.

Mr. Duane: Exception.”

(Exception No. 9.)

Thereupon the Court instructed the jury.

At 12:05 P.M. the jury retired to the jury room; at 2:37 o'clock P.M. the jury returned to the court room and the following proceedings were had:

“The Court: I have received a request from the jury which reads as follows: ‘Jurors wish the Court’s definition of what constitutes conspiracy.’

“I will read to you what I read as a part of my instructions.”

Thereupon the jury retired to deliberate upon its verdict. The jury returned into Court and upon being asked if it had agreed upon a verdict answered that it had and the foreman presented to the Court the verdict as follows: “We, the jury, find Frank Laurent, the defendant at the bar, guilty.” Signed by the Foreman.

Thereafter, and on the 4th day of May, 1944, counsel for the defendant moved the Court for a new trial, which said motion for a new trial was as follows:

“Now comes the defendant, Frank Laurent, in the above entitled action and moves this Honorable Court for an order vacating the verdict of the jury convicting him and granting him a new trial on the indictment herein, [55] for the following and each of the following causes, materially affecting the constitutional rights of said defendant:

1. That the verdict is contrary to the evidence adduced at the trial herein;



2. That the verdict is not supported by the evidence in the cause;

3. That the evidence adduced at the trial is insufficient to justify said verdict;

4. That the verdict is contrary to law;

5. That the trial court erred in admitting evidence in the course of the trial, which was incompetent, irrelevant and immaterial, which errors were duly and regularly excepted to by the defendant;

6. That the trial court erred in refusing to direct a verdict of not guilty at the close of the evidence of the United States;

7. That the trial court erred in refusing to strike out certain testimony which was incompetent, irrelevant, immaterial and hearsay;

8. That the trial court erred in refusing to direct a verdict of not guilty at the close of all of the evidence;

9. That the trial court erred in admitting evidence in the course of the trial where no proper foundation had been laid.

This motion is made upon the minutes of the court and upon all records and proceedings in said action and upon all of the testimony and evidence introduced at the trial.

Dated: May 4th, 1944.

WALTER H. DUANE

Attorney for Defendant [56]

Said motion for a new trial was by the Court denied, to the denial of which the defendant duly excepted.

(Exception No. 10.)

Thereafter counsel for the defendant moved the court in arrest of judgment, which motion in arrest of judgment is as follows:

“Now comes, Frank Laurent, the defendant in the above entitled action, against whom a verdict of guilty was rendered on the 3rd day of May, 1944, in the above entitled cause and moves the Court to arrest the judgment against him and hold for naught the verdict of guilty rendered against him.

1. That the indictment does not state facts sufficient to constitute a public offense under the laws of the United States;

2. That the evidence is not sufficient to support the verdict;

3. That the verdict of the jury is contrary to law.

Wherefore because of which said errors in the record herein, no lawful judgment may be rendered by the Court and the defendant prays that this motion be sustained and the judgment of conviction against him be arrested and held for naught, and that said defendant have all such other orders as may seem meet and just in the premises.

Dated: May 4, 1944.

WALTER H. DUANE

Attorney for Defendant.”

Which said motion in arrest of judgment was by the Court denied, to the denial of which the defendant duly and regularly excepted.

(Exception No. 11.) [57]

Said motions for a new trial and in arrest of judgment having been denied, the Court proceeded to pass judgment, and thereafter on May 4, 1944, the Court imposed judgment and sentence on the defendant as follows:

“It is ordered that the defendant Frank Laurent be committed to a term of imprisonment in a United States Penitentiary, to be designated by the Attorney General of the United States, for a term of two years and to pay a fine of \$5,000.00.”

That the above Bill of Exceptions contains all of the evidence, oral and documentary, and all of the proceedings relating to the trial, conviction, motion for a new trial, motion in arrest of judgment and judgment and sentence.

Dated: San Francisco, California, June 15th, 1944.

WALTER H. DUANE

Attorney for Defendant and  
Appellant

[Endorsed]: Filed Jul. 12, 1944. C. W. Calbreath, Clerk. [58]

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[Title of District Court and Cause.]

STIPULATION RE: BILL OF EXCEPTIONS

It Is Hereby Stipulated by and between the attorneys for the United States and the attorney for the defendant that the foregoing Bill of Exceptions on behalf of the above named defendant on appeal

herein to the Circuit Court of Appeals in and for the Ninth Circuit is in proper form and conforms to the truth and that the same may be settled, allowed, signed and authenticated by this Court as the true Bill of Exceptions herein on behalf of said defendant and that it may be made part of the record in this case.

FRANK J. HENNESSY

United States Attorney

By REYNOLD H. COLVIN

Assistant United States At-  
torney

WALTER H. DUANE

Attorney for Defendant and  
Appellant [59]

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[Title of District Court and Cause.]

ORDER SETTLING, ALLOWING AND AU-  
THENTICATING BILL OF EXCEPTIONS  
AND MAKING THE SAME PART OF THE  
RECORD

The foregoing Bill of Exceptions duly presented by the defendant Frank Laurent and duly agreed to by the respective parties hereto, having been duly presented to the Court within the time allowed and required by law, as extended, and by the rules and orders of this Court, duly and regularly made in that behalf, is hereby settled, allowed, signed and authenticated as in proper form and in conformity with the truth and as the true Bill of Exceptions herein and is hereby made a part of the record in this case.

Dated: July 11th, 1944.

A. F. ST. SURE

United States District Judge

[60]

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District Court of the United States

Northern District of California

CERTIFICATE OF CLERK TO TRANSCRIPT  
OF RECORD ON APPEAL

I, C. W. Calbreath, Clerk of the District Court of the United States, for the Northern District of California, do hereby certify that the foregoing 60 pages, numbering from 1 to 60, inclusive, contain a full, true, and correct transcript of the records and proceedings in the case of The United States of America vs. Frank Laurent No. 28385 S, as the same now remain on file and of record in my office.

I further certify that the cost of preparing and certifying the foregoing transcript of record on appeal is the sum of \$3.80 and that the said amount has been paid to me by the Attorney for the appellant herein.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said District Court at San Francisco, California, this 21st day of August, A. D. 1944.

[Seal]

C. W. CALBREATH,

Clerk

By E. VAN BUREN

Deputy Clerk [61]



At a Stated Term to wit: The October Term 1943, of the United States Circuit Court of Appeals for the Ninth Circuit, held in the Court Room thereof, in the City and County of San Francisco, in the State of California, on Tuesday the thirteenth day of June in the year of our Lord one thousand nine hundred and forty-four.

Present:

Honorable Curtis D. Wilbur, Senior Circuit  
Judge, Presiding,  
Honorable Francis A. Garrecht, Circuit Judge,  
Honorable William Healy, Circuit Judge.

No. 10773

FRANK LAURENT,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

ORDER EXTENDING TIME FOR APPELLANT  
TO LODGE PROPOSED BILL OF EX-  
CEPTIONS

Upon consideration of the application of the appellant supported by affidavit of Mr. Walter H. Duane, counsel for appellant, and good cause therefor appearing,

It is Ordered that the time within which appellant may lodge his proposed bill of exceptions in this cause with the clerk of the trial court be, and hereby is extended to and including June 17, 1944.

[Endorsed]: No. 10773. United States Circuit Court of Appeals for the Ninth Circuit. Frank Laurent, Appellant, vs. United States of America, Appellee. Transcript of Record. Upon Appeal from the District Court of the United States for the Northern District of California Southern Division.

Filed August 28, 1944.

PAUL P. O'BRIEN

Clerk for the United States Circuit Court of Appeals for the Ninth Circuit.

